

Brooks.	Kennedy.
Burns of Walker.	Laird.
Burns	Lasseter.
of McCulloch.	Lockhart.
Claunch.	McGill.
Cunningham.	McGregor.
Dale.	Magee.
Daniel.	Metcalf.
Davis.	Nicholson.
DeWolfe.	Olsen.
Dowell.	Patterson.
Elliott.	Petsch.
Farmer.	Ramsey.
Finn.	Rogers.
Ford.	Rountree.
Giles.	Satterwhite.
Goodman.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Tarwater.
Hanson.	Terrell
Hardy.	of Val Verde.
Harrison	Turner.
of El Paso.	Vaughan.
Harrison	Veatch.
of Waller.	Wagstaff.
Hefley.	Walker.
Holland.	West of Coryell.
Holloway.	West of Cameron.
Hoskins.	Wiggs.
Jones of Atascosa.	Wyatt.
Kayton.	Young.
Keller.	

Nays—43.

Adkins.	Johnson
Albritton.	of Dimmit.
Alsop.	Johnson of Morris.
Beck.	Jones of Shelby.
Bedford.	Justiss.
Bounds.	Lee.
Bryant.	Long.
Carpenter.	McCombs.
Coltrin.	Mathis.
Cox of Lamar.	Morse.
Cox of Limestone.	Munson.
Forbes.	O'Quinn.
Graves.	Ratliff.
Harman.	Ray.
Hatchitt.	Richardson.
Herzik.	Savage.
Hill.	Scott.
Holder.	Smith of Bastrop.
Howsley.	Steward.
Hubbard.	Strong.
Hughes.	Warwick.
Jackson.	Weinert.

Present—Not Voting.

Dwyer.

Absent.

Adams of Harris.	Englehard.
Anderson.	Farrar.
Caven.	Ferguson.
Dodd.	Fisher.
Donnell.	Fuchs.
Dunlap.	Gilbert.

Hines.	Pope.
Johnson	Reader.
of Dallam.	Sanders.
Lemens.	Shelton.
Leonard.	Sherrill.
Lilley.	Sullivant.
Martin.	Terrell
Mehl.	of Cherokee.
Moffett.	Towery.
Murphy.	Van Zandt.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Brice.	Stephens.
Coombes.	Stevenson.
Duvall.	Westbrook.

RECESS.

On motion of Mr. Howsley, the House, at 5 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

EIGHTH DAY.

(Continued.)

(Thursday, July 30, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE OF REPRESENTATIVES.

The Speaker laid before the House, and had read, the following communications:

Mrs. Huling Parker Robertson and family deeply appreciate your kindness and sympathy in their bereavement, and gratefully acknowledge the resolutions of the House of Representatives.

Hermann Hospital,
Houston, Texas, July 27, 1931.

My dear Mrs. Phinney: Mrs. Moore desires me thank the members of the House for their message of sympathy and the beautiful flowers.

She regrets exceedingly her inability to attend the sessions of the Legislature.

Yours very sincerely,

MRS. CORNELIUS PUGSLEY.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. McGill, the House at 9 o'clock a. m., resolved itself into

a Committee of the Whole House for the purpose of considering bills relative to oil and gas conservation.

IN THE HOUSE.

(Mr. Minor in the chair.)

At 10:50 o'clock a. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at 2 o'clock p. m. today.

The Committee also desires to report the following proceedings of the Committee of the Whole House:

The Chairman laid before the Committee, for consideration by the Committee,

H. B. No. 2, A bill to be entitled "An Act to amend Article 6014 of the Revised Civil Statutes of the State of Texas, General and Special Laws of the Forty-first Legislature relating to the production and distribution of oil, and declaring an emergency."

Mr. Satterwhite made the following motion:

I move that the Chair appoint two subcommittees consisting of five (5) members each, one to draft a bill dealing with the subject of defining waste of oil and gas and court procedure with reference to oil and gas conservation laws; the other committee to draft a bill dealing with the powers and duties of administering the oil and gas laws.

SATTERWHITE.

Mr. Johnson of Dimmit moved to table the motion by Mr. Satterwhite.

The motion to table was lost by the following vote:

Yeas—50.

Adams of Jasper.	Hatchitt.
Akin.	Herzik.
Bounds.	Hill.
Boyd.	Howsley.
Brooks.	Hubbard.
Bryant.	Johnson
Burns of Walker.	of Dimmit.
Carpenter.	Johnson of Morris.
Claunch.	Jones of Shelby.
Daniel.	Justiss.
DeWolfe.	Keller.
Forbes.	Kennedy.
Ford.	Lee.
Graves.	Lilley.
Grogan.	Lockhart.
Harrison	Long.
of El Paso.	Magee.

Metcalf.
Morse.
Munson.
Olsen.
Petsch.
Reader.
Sanders.
Sherrill.
Sparkman.

Stephens.
Steward.
Strong.
Tarwater.
Wagstaff.
Walker.
Weinert.
Wiggs.
Young.

Nays—51.

Adamson.
Adkins.
Albritton.
Alsup.
Baker.
Barron.
Brice.
Burns
of McCulloch.
Coltrin.
Cox of Lamar.
Cox of Limestone.
Cunningham.
Dale.
Davis.
Donnell.
Dowell.
Elliott.
Farmer.
Farrar.
Finn.
Fuchs.
Gilbert.
Giles.
Goodman.
Hanson.
Harman.
Harrison of Waller.

Hines.
Holland.
Hoskins.
Hughes.
Johnson
of Dallam.
Jones of Atascosa.
Laird.
Lasseter.
McGill.
Ray.
Richardson.
Rogers.
Satterwhite.
Savage.
Scott.
Smith of Wood.
Terrell
of Cherokee.
Terrell
of Val Verde.
Turner.
Vaughan.
Veatch.
Warwick.
West of Coryell.
Wyatt.

Absent.

Adams of Harris.	McCombs.
Anderson.	McGregor.
Beck.	Martin.
Bedford.	Mathis.
Caven.	Mehl.
Dodd.	Moffett.
Dunlap.	Murphy.
Dwyer.	Nicholson.
Englehard.	O'Quinn.
Ferguson.	Patterson.
Fisher.	Pope.
Greathouse.	Ramsey.
Hardy.	Ratliff.
Hefley.	Rountree.
Holder.	Shelton.
Holloway.	Smith of Bastrop.
Jackson.	Sullivant.
Kayton.	Towery.
Lemens.	Van Zandt.
Leonard.	West of Cameron.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

Question then recurring on the motion by Mr. Satterwhite, it was adopted by the following vote:

Yeas—53.

Adkins.	Herzik.
Akin.	Hines.
Albritton.	Holloway.
Baker.	Hoskins.
Barron.	Jackson.
Beck.	Johnson
Bedford.	of Dallam.
Bounds.	Justiss.
Brice.	Lockhart.
Burns of Walker.	McGill.
Coltrin.	Mathis.
Cox of Lamar.	Moffett.
Cox of Limestone.	Olsen.
Cunningham.	Richardson.
Dale.	Rogers.
Davis.	Satterwhite.
Dowell.	Savage.
Elliott.	Scott.
Farmer.	Smith of Wood.
Farrar.	Terrell
Finn.	of Cherokee.
Fuchs.	Vaughan.
Giles.	Veatch.
Goodman.	Warwick.
Graves.	Weinert.
Hanson.	Wyatt.
Hardy.	Young.
Harman.	

Nays—51.

Adams of Jasper.	Jones of Shelby.
Adamson.	Jones of Atascosa.
Alsup.	Kayton.
Boyd.	Keller.
Brooks.	Kennedy.
Burns	Lasseter.
of McCulloch.	Lee.
Caven.	Lilley.
Claunch.	Long.
Daniel.	Magee.
DeWolfe.	Metcalf.
Dwyer.	Morse.
Forbes.	Munson.
Ford.	Nicholson.
Greathouse.	Petsch.
Grogan.	Ratliff.
Harrison	Rountree.
of El Paso.	Sanders.
Harrison	Sherrill.
of Waller.	Steward.
Hatchitt.	Strong.
Hill.	Tarwater.
Holland.	Terrell
Howsley.	of Val Verde.
Hubbard.	Wagstaff.
Hughes.	Walker.
Johnson	West of Cameron.
of Dimmit.	Wiggs.
Johnson of Morris.	

Present—Not Voting.

Bryant.

Absent.

Adams of Harris.	Mehl.
Anderson.	Murphy.
Carpenter.	O'Quinn.
Dodd.	Patterson.
Donnell.	Pope.
Dunlap.	Ramsey.
Engelhard.	Ray.
Ferguson.	Reader.
Fisher.	Shelton.
Gilbert.	Smith of Bastrop.
Hefley.	Sparkman.
Holder.	Stephens.
Laird.	Sullivant.
Lemens.	Towery.
Leonard.	Turner.
McCombs.	Van Zandt.
McGregor.	West of Coryell.
Martin.	

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

Mr. Keller moved that the House instruct the committees, appointed under the motion by Mr. Satterwhite, to report a bill by 12 o'clock m., Friday.

The motion prevailed.

Signed—Fred H. Minor, Chairman of the Committee of the Whole House.

HOUSE BILL NO. 4 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 4, A bill to be entitled "An Act making an appropriation of thirty thousand dollars (\$30,000) to be used by the Attorney General for the purpose of paying the expenses of investigating and prosecuting violations of conservation and anti-trust laws of this State, and declaring an emergency."

The bill was read second time.

Mr. Sherrill offered the following amendment to the bill:

Amend House bill No. 4, page 2, line 34, by adding after the word "necessary": "said assistants not to receive more than \$350 per month."

The amendment was adopted.

Mr. Jones of Atascosa raised a point of order on further consideration of the bill on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

House bill No. 4 was then passed to engrossment.

HOUSE BILL NO. 4 ON THIRD READING.

Mr. Long moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—86.

Adams of Jasper.	Johnson of Dallam.
Adamson.	Johnson
Akin.	of Dimmit.
Alsup.	Johnson of Morris.
Baker.	Keller.
Barron.	Lee.
Beck.	Leonard.
Bedford.	Lilley.
Boyd.	Long.
Brice.	McGill.
Brooks.	McGregor.
Bryant.	Magee.
Burns of Walker.	Metcalf.
Carpenter.	Moffett.
Claunch.	Morse.
Cox of Limestone.	Munson.
Cunningham.	Olsen.
Daniel.	Patterson.
Davis.	Petsch.
Dowell.	Ramsey.
Elliott.	Ratliff.
Farmer.	Ray.
Finn.	Reader.
Forbes.	Richardson.
Ford.	Rogers.
Fuchs.	Rountree.
Gilbert.	Satterwhite.
Giles.	Savage.
Goodman.	Sherrill.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Steward.
Hanson.	Strong.
Harman.	Sullivan.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Terrell
Hines.	of Val Verde.
Holder.	Turner.
Holland.	Vaughan.
Holloway.	Wagstaff.
Hoskins.	Walker.
Howsley.	Weinert.
Hubbard.	West of Coryell.
Hughes.	Young.
Jackson.	

Nays—16.

Adkins.	Burns
Albritton.	of McCulloch.
Bounds.	Caven.

Farrar.	Kennedy.
Harrison	Laird.
of El Paso.	Lockhart.
Hill.	Scott.
Jones of Atascosa.	Veatch.
Justiss.	West of Cameron.

Present—Not Voting.

Wiggs.

Absent.

Adams of Harris.	Lemens.
Anderson.	McCombs.
Coltrin.	Martin.
Cox of Lamar.	Mathis.
Dale.	Mehl.
DeWolfe.	Murphy.
Dodd.	Nicholson.
Donnell.	O'Quinn.
Dunlap.	Pope.
Dwyer.	Sanders.
Englehard.	Shelton.
Ferguson.	Smith of Bastrop.
Fisher.	Stephens.
Hardy.	Tarwater.
Hefley.	Towery.
Herzik.	Van Zandt.
Jones of Shelby.	Warwick.
Kayton.	Wyatt.
Lasseter.	

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

The Speaker then laid House bill No. 4 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—92.

Mr. Speaker.	Elliott.
Adams of Jasper.	Farmer.
Adamson.	Finn.
Akin.	Forbes.
Alsup.	Ford.
Baker.	Fuchs.
Barron.	Gilbert.
Beck.	Giles.
Bedford.	Goodman.
Boyd.	Graves.
Brice.	Greathouse.
Bryant.	Grogan.
Burns of Walker.	Hanson.
Carpenter.	Harman.
Claunch.	Harrison
Cox of Limestone.	of Waller.
Cunningham.	Hatchitt.
Davis.	Hefley.
DeWolfe.	Hines.
Dowell.	Holder.
Dunlap.	Holloway.

Hoskins.	Ramsey.
Howsley.	Ratliff.
Hubbard.	Ray.
Hughes.	Reader.
Jackson.	Richardson.
Johnson	Rogers.
of Dallam.	Rountree.
Johnson	Sanders.
of Dimmit.	Satterwhite.
Johnson of Morris.	Savage.
Justiss.	Sherrill.
Keller.	Smith of Wood.
Lee.	Sparkman.
Leonard.	Steward.
Lilley.	Strong.
Long.	Sullivant.
McGill.	Terrell
McGregor.	of Cherokee.
Magee.	Terrell
Mathis.	of Val Verde.
Metcalfe.	Turner.
Moffett.	Vaughan.
Morse.	Wagstaff.
Munson.	Walker.
Nicholson.	Weinert.
Olsen.	West of Coryell.
Patterson.	West of Cameron.
Petsch.	Young.

Nays—14.

Adkins.	Harrison
Albritton.	of El Paso.
Bounds.	Hill.
Brooks.	Kennedy.
Burns	Laird.
of McCulloch.	Lockhart.
Caven.	Scott.
Daniel.	Veatch.

Present—Not Voting.

Jones of Atascosa.

Absent.

Adams of Harris.	Lasseter.
Anderson.	Lemen's.
Coltrin.	McCombs.
Cox of Lamar.	Martin.
Dale.	Mehl.
Dodd.	Murphy.
Donnell.	O'Quinn.
Dwyer.	Pope.
Englehard.	Shelton.
Farrar.	Smith of Bastrop.
Ferguson.	Stephens.
Fisher.	Tarwater.
Hardy.	Towery.
Herzik.	Van Zandt.
Holland.	Warwick.
Jones of Shelby.	Wiggs.
Kayton.	Wyatt.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was ordered printed in the Journal:

Offices of the Attorney General,
Austin.

July 21, 1931.

Hon. J. B. Ford, House of Representatives, Austin, Texas.

Dear Sir: Receipt is acknowledged of your letter of July 20, which reads as follows:

"Some question has been raised by some members of the Legislature, as well as some eminent lawyers, as to the legality of the simple resolution which was offered by me and passed by the House of Representatives on July 16, 1931. It is contended that the Legislature does not have authority, by a simple resolution, to appropriate money from its contingent fund for the purpose of paying the expenses incident to an investigation by a State Department.

"It has been contended by some that the Attorney General's Department does not need additional funds nor additional help.

"I will appreciate an opinion from you as to the legality of this resolution, and I would like to have an expression from you as to whether or not you need additional funds and additional help, for the purpose of investigating and prosecuting violations of the anti-trust laws."

The resolution to which you refer is a simple resolution passed by the House of Representatives, with amendments, on July 16, calling for a general investigation of alleged violations of the anti-trust laws, particularly in connection with the oil business and attempting to appropriate money for the expense of such investigation out of the contingent fund of the Legislature. The pertinent provision of the resolution seeking to make this appropriation reads as follows:

"Resolved, That all necessary expenses pertaining to said investigation and prosecution be paid out of the contingent fund of the Forty-second Legislature or any Special Session, to be paid out on sworn accounts signed by the Attorney General and the Speaker of the House."

It will be observed that the funds in the State Treasury are, in effect,

appropriated to our Department by the terms of the resolution. True enough, this appropriation is sought to be made from the contingent fund of the Forty-second Legislature, but this is only doing indirectly what the Constitution forbids doing directly.

Section 6, Article 8, State Constitution, provides that "no money shall be drawn from the Treasury but in pursuance of specific appropriations made by law."

Section 29, Article 3, provides that "the enacting clause of all laws shall be: 'Be it enacted by the Legislature of the State of Texas'."

Section 30 of Article 3, reads as follows: "No law shall be passed except by bill * * *."

This resolution meets none of the above constitutional requirements, for the reason that it has no enacting clause and is not a bill.

Money cannot be drawn from the Treasury except by law, and the only way a law may be enacted is in compliance with the constitutional provisions above quoted. No officer of this State would be authorized to withdraw money from the Treasury except in pursuance of a regular appropriation act passed in the manner required by the Constitution and approved by the Governor.

It has been the uniform holding of this Department under previous administrations that departmental appropriations can only be made by bills regularly passed by both branches of the Legislature. You are, therefore, advised that in my opinion, the attempted appropriation of the expenses of the investigation authorized by the resolution is invalid.

Permit me to thank and express to you the appreciation of every member of this Department for the spirit which prompted the introduction of this resolution by yourself and its passage by the members. We are particularly grateful for the expression of confidence in this Department.

In view of the question submitted and of the evident desire of the members of the Legislature that a thorough investigation shall be made into alleged violations of our anti-trust laws, I feel it only proper to advise that we have been engaged in conducting just such an investigation as is called for in this resolution. We have carried on our inquiries quietly and in the manner provided by law;

since, however, the interests affected by these investigations are fully aware of this fact, we feel it only fair that the members of the Legislature and the people of Texas should be apprised of same.

We have been hampered in this investigation by a lack of both men and funds with which to properly discharge our duties. The regular appropriations have not been sufficient. The Legislature from time to time in recent years has imposed many additional duties upon the Attorney General. For example, the several divisions of the Railroad Commission require the entire time of three men, and on occasions when important litigation must be tried, the services of more men are required to properly attend to the business of that important Department. Taxation matters and the numerous actions which this Department is required to file in order to enforce the collection of the revenues of the State, require the entire time of three men. The Highway Department requires the entire time of one man. The problems of the Insurance and Banking Departments take the time of two assistants in this office. Two assistants devote their entire time to bond matters. Land matters require the full services of two men. This accounts for the work of thirteen men in the office.

I think it may fairly be said that each of these attorneys are doing more work than should be required of them, and on some assignments the assistants are doing the work of two men. The few remaining assistants are required to serve all of the other Departments of the State government, including advice to district and county attorneys and county auditors. These duties at this time are unusually burdensome. The assistants are working day and night in an unsuccessful effort to keep up. Only two of them have had any vacation whatever, and I see no opportunity for the others to get any at all.

More than four hundred important law suits are now pending in the State and Federal courts, requiring the attention of this office. Some of these suits involve millions of dollars. In one suit alone it is estimated that more than thirty-five million dollars is being held in suspense accounts, approximately two million dollars of which belongs to the State of Texas, pending the final disposition of the

case. Others involve enormous sums of money.

In the investigation and prosecution of the various kinds of suits this office is required to file and defend, we must pay the traveling expenses of the assistants, as well as certain court costs. Any attorney knows that certain costs are essential and must be paid or advanced. These costs must be paid from sums appropriated to us by the Legislature for that purpose. Many investigations require the expenditure of large sums of money. If the money is not available, the investigation cannot be made. The costs of the trial of an important case some time exceed the total amount the Legislature has allowed this Department for that purpose for an entire year. For instance, in the case of the State of Texas et al. vs. Blaffer et al., a suit in the District Court of Travis county, to recover land for the State, the court costs amounted to more than eleven thousand dollars. The court costs in one anti-trust suit instituted by a former Attorney General amounted to more than six thousand dollars.

I am sure that you appreciate the fact that we cannot successfully investigate and prosecute major anti-trust violations unless sufficient funds are placed at our disposal with which to employ additional help and to pay the costs which necessarily will follow. We have endeavored at all times to keep the expenses of this Department to a minimum, and will continue to do so. We are also endeavoring to perform all the duties imposed upon us by the Constitution and statutes of this State to the best of our ability under the facts and circumstances stated above.

I will welcome an investigation of the needs of this Department for additional funds with which to carry on the investigations and prosecutions we have started and contemplated as suggested in the resolution.

Again thanking you for your interest in this matter, I am,

Sincerely yours,

JAMES V. ALLRED,
Attorney General of Texas

HOUSE BILL NO. 3 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of 1925, making compulsory the personal attendance of out-of-county witnesses in suits involving violations of conservation laws and of laws prohibiting trusts, monopolies or combinations in restraint of trade; providing for the manner of application for and issuance of subpoenas; providing that any witness failing to appear in obedience to subpoena may be punished for contempt; providing that parties to such suit shall tender traveling expenses of such witnesses, where their place of residence is outside the county where such suit is pending; providing for the manner of payment of such witness' costs in case the State requests their personal attendance, and declaring an emergency."

The bill was read second time.

Mr. Kennedy offered the following (committee) amendment to the bill:

Amend House bill No. 3 by striking out the words "make a full statement of" and insert the words "testify as to."

The amendment was adopted.

RECESS.

On motion of Mr. Vaughan, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 3 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 3, relative to anti-trust law violations,

The bill having heretofore been read second time.

Mr. Burns of McCulloch offered the following amendment to the bill:

Amend House bill No. 3, page 1, line 34, by adding a new sentence after the word "trial," containing the following:

"Provided, the clerk shall not issue subpoenas in excess of five to compel the attendance of State witnesses or a like number to compel the attendance of defense witnesses without first obtaining a written order from the trial judge."

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House bill No. 3 by striking out the words in lines 25 and 26, page 1, "to conserve the natural resources of the State, or in violation of laws."

Mr. Vaughan moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—84.

Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Adkins.	Kayton.
Akin.	Kennedy.
Alsup.	Laird.
Beck.	Lee.
Bedford.	Leonard.
Boyd.	Lilley.
Brooks.	Long.
Bryant.	McGill.
Burns of Walker.	McGregor.
Carpenter.	Magee.
Claunch.	Mathis.
Coltrin.	Metcalfe.
Cox of Limestone.	Moffett.
Cunningham.	Morse.
Davis.	Munson.
DeWolfe.	O'Quinn.
Donnell.	Petsch.
Dunlap.	Ratliff.
Dwyer.	Ray.
Ferguson.	Reader.
Finn.	Rogers.
Forbes.	Sanders.
Ford.	Savage.
Fuchs.	Sherrill.
Giles.	Sparkman.
Goodman.	Stephens.
Graves.	Steward.
Greathouse.	Strong.
Grogan.	Sullivant.
Hanson.	Tarwater.
Harman.	Terrell
Hatchitt.	of Val Verde.
Holder.	Towery.
Hoskins.	Vaughan.
Howsley.	Veatch.
Hubbard.	Wagstaff.
Hughes.	Walker.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
Johnson	Wiggs.
of Dimmit.	

Nays—16.

Albritton.	Farmer.
Baker.	Farrar.
Bounds.	Harrison
Brice.	of El Paso.
Dale.	Hefley.

Hill.	Olsen.
Holloway.	Richardson.
Jones of Atascosa.	Smith of Wood.
Lockhart.	

Absent.

Adams of Harris.	Lasseter.
Anderson.	Lemens.
Barron.	McCombs.
Burns	Martin.
of McCulloch.	Mehl.
Caven.	Murphy.
Cox of Lamar.	Nicholson.
Daniel.	Patterson.
Dodd.	Pope.
Dowell.	Ramsey.
Elliott.	Rountree.
Englehard.	Satterwhite.
Fisher.	Scott.
Gilbert.	Shelton.
Hardy.	Smith of Bastrop.
Harrison	Terrell
of Waller.	of Cherokee.
Herzik.	Turner.
Hines.	Van Zandt.
Holland.	Warwick.
Justiss.	Wyatt.
Keller.	Young.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

House bill No. 3 was then passed to engrossment.

HOUSE BILL NO. 3 ON THIRD READING.

Mr. Long moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87.

Adams of Jasper.	Cox of Limestone.
Adamson.	Cunningham.
Adkins.	DeWolfe.
Akin.	Donnell.
Alsup.	Dowell.
Barron.	Dwyer.
Beck.	Ferguson.
Bedford.	Finn.
Boyd.	Forbes.
Brooks.	Ford.
Bryant.	Fuchs.
Burns of Walker.	Giles.
Carpenter.	Goodman.
Claunch.	Graves.
Coltrin.	Greathouse.

Grogan.	Morse.
Hanson.	Munson.
Harman.	Olsen.
Hatchitt.	O'Quinn.
Holder.	Petsch.
Holloway.	Ratliff.
Hoskins.	Ray.
Howsley.	Reader.
Hubbard.	Rogers.
Hughes.	Sanders.
Jackson.	Savage.
Johnson	Sherrill.
of Dallam.	Smith of Wood.
Johnson	Sparkman.
of Dimmit.	Stephens.
Johnson of Morris.	Steward.
Jones of Shelby.	Strong.
Kayton.	Sullivant.
Keller.	Tarwater.
Laird.	Terrell
Lasseter.	of Val Verde.
Lee.	Towery.
Leonard.	Vaughan.
Lilley.	Veatch.
Long.	Wagstaff.
McGill.	Walker.
McGregor.	Weinert.
Magee.	West of Coryell.
Metcalf.	West of Cameron.
Moffett.	Wiggs.

Nays—16.

Albritton.	Hefley.
Baker.	Hill.
Bounds.	Jones of Atascosa.
Dale.	Kennedy.
Davis.	Lockhart.
Farmer.	Mathis.
Farrar.	Nicholson.
Harrison	Richardson.
of El Paso.	

Absent.

Adams of Harris.	Lemens.
Anderson.	McCombs.
Brice.	Martin.
Burns	Mehl.
of McCulloch.	Murphy.
Caven.	Patterson.
Cox of Lamar.	Pope.
Daniel.	Ramsey.
Dodd.	Rountree.
Dunlap.	Satterwhite.
Elliott.	Scott.
Englehard.	Shelton.
Fisher.	Smith of Bastrop.
Gilbert.	Terrell
Hardy.	of Cherokee.
Harrison	Turner.
of Waller.	Van Zandt.
Herzik.	Warwick.
Hines.	Wyatt.
Holland.	Young.
Justiss.	

Absent—Excused.

Bond.	Bradley.
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Coombes.	Moore.
Duvall.	Stevenson.
McDougald.	Westbrook.

The Speaker then laid House bill No. 3 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—92.

Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Adkins.	Justiss.
Akin.	Kayton.
Alsup.	Keller.
Barron.	Kennedy.
Beck.	Laird.
Bedford.	Lasseter.
Boyd.	Lee.
Brice.	Leonard.
Brooks.	Lilley.
Bryant.	Long.
Burns of Walker.	McGill.
Carpenter.	McGregor.
Claunch.	Magee.
Coltrin.	Mathis.
Cox of Limestone.	Moffett.
Cunningham.	Morse.
Davis.	Munson.
DeWolfe.	Olsen.
Donnell.	O'Quinn.
Dunlap.	Petsch.
Dwyer.	Ratliff.
Ferguson.	Ray.
Finn.	Reader.
Forbes.	Rogers.
Ford.	Sanders.
Fuchs.	Savage.
Gilbert.	Sherrill.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Stephens.
Greathouse.	Steward.
Grogan.	Strong.
Hanson.	Sullivant.
Harman.	Tarwater.
Hatchitt.	Terrell
Holder.	of Val Verde.
Holloway.	Towery.
Hoskins.	Vaughan.
Howsley.	Veatch.
Hubbard.	Wagstaff.
Hughes.	Walker.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
Johnson	Wiggs.
of Dimmit.	

Nays—12.

Albritton.	Farrar.
Baker.	Harrison
Bounds.	of El Paso.
Dale.	Hill.
Farmer.	Jones of Atascosa.

Lockhart.
Patterson.

Richardson.

Absent.

Adams of Harris.	McCombs.
Anderson.	Martin.
Burns	Mehl.
of McCulloch.	Metcalf.
Caven.	Murphy.
Cox of Lamar.	Nicholson.
Daniel.	Pope.
Dodd.	Ramsey.
Dowell.	Rountree.
Elliott.	Satterwhite.
Englehard.	Scott.
Fisher.	Shelton.
Hardy.	Smith of Bastrop.
Harrison	Terrell of Cherokee.
of Waller.	Turner.
Hefley.	Van Zandt.
Herzik.	Warwick.
Hines.	Wyatt.
Holland.	Young.
Lemens.	

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duval.	Westbrook.

SUBCOMMITTEE ON OIL AND GAS CONSERVATION MATTERS APPOINTED.

The Speaker announced the appointment of the following committees:

Subcommittee to consider bills relating to court procedure in conservation matters:

Messrs. Graves, McGregor, Keller, Hardy, and Johnson of Dimmit.

Subcommittee to consider bills dealing with powers and duties of administering the oil and gas laws:

Messrs. Wagstaff, Davis, Petsch, Murphy, and Beck.

IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Howsley, the House, at 3 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering bills relative to oil and gas conservation.

IN THE HOUSE.

(Mr. McGill in the chair.)

At 3:40 o'clock p. m., Mr. McGill, Acting Chairman of the Committee

of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at the pleasure of the House.

The Committee reported the following proceedings of the Committee of the Whole House:

Mr. Finn moved to reconsider the vote by which the Committee of the Whole House adopted a motion by Mr. Satterwhite, relative to the appointment of certain subcommittees in regard to oil and gas conservation matters.

Mr. Satterwhite moved to table the motion to reconsider the vote.

The motion to table was lost by the following vote:

Yeas—51.

Adamson.	Hoskins.
Adkins.	Jackson.
Albritton.	Johnson
Barron.	of Dallam.
Beck.	Kayton.
Bedford.	Lasseter.
Carpenter.	Leonard.
Coltrin.	Lockhart.
Cox of Limestone.	McGill.
Cunningham.	McGregor.
Davis.	Magee.
Donnell.	Mathis.
Dowell.	Reader.
Elliott.	Richardson.
Farmer.	Rogers.
Farrar.	Satterwhite.
Ferguson.	Savage.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Goodman.	Stephens.
Graves.	Vaughan.
Hanson.	Veatch.
Hardy.	Weinert.
Harman.	West of Coryell.
Hefley.	West of Cameron.
Holland.	Young.

Nays—55.

Adams of Jasper.	Greathouse.
Akin.	Grogan.
Alsup.	Harrison
Baker.	of El Paso.
Bounds.	Harrison
Boyd.	of Waller.
Burns of Walker.	Hatchitt.
Claunch.	Hill.
Dale.	Holder.
DeWolfe.	Holloway.
Dwyer.	Howsley.
Finn.	Hubbard.
Forbes.	Hughes.
Ford.	Johnson
Fuchs.	of Dimmit.

Johnson of Morris.	Petsch.
Jones of Shelby.	Ratliff.
Jones of Atascosa.	Rountree.
Justiss.	Sanders.
Keller.	Sherrill.
Kennedy.	Steward.
Laird.	Strong.
Lee.	Sullivant.
Lilley.	Tarwater.
Long.	Terrell
Moffett.	of Val Verde.
Morse.	Wagstaff.
Munson.	Walker.
Nicholson.	Wiggs.
Olsen.	

Absent.

Adams of Harris.	Martin.
Anderson.	Mehl.
Brice.	Metcalfe.
Brooks.	Murphy.
Bryant.	O'Quinn.
Burns	Patterson.
of McCulloch.	Pope.
Caven.	Ramsey.
Cox of Lamar.	Ray.
Daniel.	Scott.
Dodd.	Shelton.
Dunlap.	Smith of Bastrop.
Englehard.	Terrell of Cherokee.
Fisher.	Towery.
Herzik.	Turner.
Hines.	Van Zandt.
Lemens.	Warwick.
McCombs.	Wyatt.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

Question then recurring on the motion to reconsider the vote, it was lost by the following vote:

Yeas—48.

Adams of Jasper.	Hill.
Akin.	Holder.
Alsup.	Holloway.
Bounds.	Hubbard.
Boyd.	Hughes.
Burns of Walker.	Johnson
Claunch.	of Dimmit.
Dale.	Johnson of Morris.
DeWolfe.	Jones of Shelby.
Dwyer.	Jones of Atascosa.
Finn.	Justiss.
Forbes.	Keller.
Ford.	Kennedy.
Fuchs.	Lilley.
Greathouse.	Long.
Grogan.	Morse.
Harrison	Munson.
of Waller.	Nicholson.
Hatchitt.	O'Quinn.

Petsch.	Tarwater.
Ratliff.	Terrell
Rountree.	of Val Verde.
Sanders.	Wagstaff.
Sherrill.	Walker.
Steward.	Wiggs.
Strong.	

Nays—56.

Adamson.	Hoskins.
Adkins.	Jackson.
Albritton.	Kayton.
Baker.	Laird.
Barron.	Lasseter.
Beck.	Lee.
Bedford.	Leonard.
Bryant.	Lockhart.
Carpenter.	McGill.
Coltrin.	McGregor.
Cox of Limestone.	Magee.
Cunningham.	Mathis.
Davis.	Moffett.
Dowell.	Olsen.
Elliott.	Reader.
Farmer.	Richardson.
Farrar.	Rogers.
Ferguson.	Satterwhite.
Gilbert.	Savage.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Sullivant.
Hanson.	Vaughan.
Hardy.	Veatch.
Harman.	Weinert.
Harrison	West of Coryell.
of El Paso.	West of Cameron.
Hefley.	Young.
Holland.	

Absent.

Adams of Harris.	McCombs.
Anderson.	Martin.
Brice.	Mehl.
Brooks.	Metcalfe.
Burns	Murphy.
of McCulloch.	Patterson.
Caven.	Pope.
Cox of Lamar.	Ramsey.
Daniel.	Ray.
Dodd.	Scott.
Donnell.	Shelton.
Dunlap.	Smith of Bastrop.
Engelhard.	Stephens.
Fisher.	Terrell
Herzik.	of Cherokee.
Hines.	Towery.
Howsley.	Turner.
Johnson	Van Zandt.
of Dallam.	Warwick.
Lemens.	Wyatt.

Absent—Excused.

Bond.	McDougald.
Bradley.	Moore.
Coombes.	Stevenson.
Duvall.	Westbrook.

On motion of Mr. Keller, House bill No. 23 was reported to the House, with recommendation that it do pass, with following committee amendments by Mr. Farrar and Mr. Keller, which were adopted by the committee:

(1.)

Amend Section 5 by inserting "at least" before the words "one-eighth."

(2.)

Amend House bill No. 23, page 2, by striking out the words "highest degree" in line 20, and insert in lieu thereof the words "reasonable degree."

Signed—Fred H. Minor, Chairman of the Committee of the Whole House.

HOUSE BILL NO. 8 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act to conserve water supplies and prevent soil contamination; prescribing a penalty, and declaring an emergency."

The bill was read second time.

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 8, by adding thereto another section to be known as Section 2 (a), reading as follows:

"Section 2 (a). Provided, this act shall only apply to cities and towns."

Mr. Terrell of Cherokee offered the following substitute for the amendment by Mr. Kennedy:

Amend Section 2 of House bill No. 8, by adding at the end of said section the following: "Provided, this act shall apply only to incorporated cities and towns having waterworks and sewerage systems."

TERRELL of Cherokee,
ADAMS of Jasper,
HANSON.

Mr. Leonard moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the substitute amendment by Mr. Terrell of Cherokee, it was lost.

Question then recurring on the

amendment by Mr. Kennedy, it was lost.

Mr. Finn (by unanimous consent) offered the following amendment to the bill:

Amend House bill No. 8, page 1, by inserting between lines 17 and 18 a new section, to be known as "Section 2a."

"Section 2a. Nothing in this act shall be construed to relate to the acts of any person other than individual violating the law with reference to the keeping of privies and the throwing away of excreta from persons sick or from privies."

The amendment was adopted.

House bill No. 8 was then passed to engrossment by the following vote:

Yeas—51.

Beck.	Lasseter.
Bounds.	Lee.
Bryant.	Leonard.
Carpenter.	Long.
Coltrin.	McGill.
Cunningham.	Mathis.
Donnell.	Morse.
Dunlap.	Munson.
Duvall.	Nicholson.
Dwyer.	Olsen.
Finn.	O'Quinn.
Forbes.	Petsch.
Ford.	Ray.
Fuchs.	Reader.
Gilbert.	Richardson.
Giles.	Rountree.
Hardy.	Satterwhite.
Harrison	Savage.
of El Paso.	Scott.
Hatchitt.	Steward.
Hines.	Strong.
Holland.	Sullivant.
Hughes.	Terrell
Jackson.	of Val Verde.
Johnson	Wagstaff.
of Dimmit.	Weinert.
Keller.	West of Cameron.

Nays—48.

Adams of Jasper.	DeWolfe.
Adamson.	Elliott.
Adkins.	Farmer.
Akin.	Ferguson.
Albritton.	Goodman.
Alsup.	Graves.
Baker.	Greathouse.
Bedford.	Hanson.
Boyd.	Harman.
Brooks.	Harrison
Burns of Walker.	of Waller.
Claunch.	Hefley.
Cox of Limestone.	Holloway.
Dale.	Hubbard.

Johnson of Morris.	Smith of Wood.
Jones of Shelby.	Sparkman.
Justiss.	Stephens.
Kayton.	Terrell
Kennedy.	of Cherokee.
Laird.	Towery.
Lockhart.	Turner.
McGregor.	Vaughan.
Ramsey.	West of Coryell.
Rogers.	Wyatt.
Sherrill.	Young.

Present—Not Voting.

Farrar.	Veatch.
Jones of Atascosa.	Wiggs.

Absent.

Adams of Harris.	Johnson of Dallam.
Anderson.	Lemens.
Barron.	Lilley.
Brice.	McCombs.
Burns	Magee.
of McCulloch.	Martin.
Caven.	Mehl.
Cox of Lamar.	Metcalfe.
Daniel.	Moffett.
Davis.	Murphy.
Dodd.	Patterson.
Dowell.	Pope.
Engelhard.	Ratliff.
Fisher.	Sanders.
Grogan.	Shelton.
Herzik.	Smith of Bastrop.
Hill.	Tarwater.
Holder.	Van Zandt.
Hoskins.	Walker.
Howsley.	Warwick.

Absent—Excused.

Bond.	Moore.
Bradley.	Stevenson.
Coombes.	Westbrook.
McDougald.	

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Wagstaff, Mr. Petsch, Mr. Johnson of Dimmit, Mr. Sanders, Mr. Hubbard, and Mr. Murphy:

H. B. No. 25, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas;

further defining physical waste both underground and surface, and amending Article 6008, Revised Civil Statutes of 1925 of the State of Texas, requiring gas to be confined under the circumstances and conditions therein stated; providing for notice and hearing upon orders of said commission; providing court procedure and for injunctions and appeals from said orders, and penalties for violating same; providing that if any part of this act shall be held unconstitutional, such holding shall not affect the remaining parts, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Wagstaff, Mr. Petsch, Mr. Johnson of Dimmit, Mr. Sanders, Mr. Hubbard, Mr. Murphy, Mr. Ford, Mr. Grogan, Mr. Johnson of Morris, and Mr. Graves:

H. B. No. 26, A bill to be entitled "An Act creating the Conservation Commission of Texas to be composed of three men; providing the qualifications of its members, their terms of office, their method of appointment, and their salaries; transferring from the Railroad Commission of Texas to the Conservation Commission of Texas all jurisdiction, powers, rights and authority heretofore conferred and all duties heretofore imposed upon the Railroad Commission of Texas and its members under Title 102, Revised Civil Statutes of 1925, Chapter 313, Acts of 1929, Forty-first Legislature, Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature, and all laws of the State of Texas relating to the conservation of oil and gas regulating utilities, pipe lines, and common purchasers of oil; providing that orders, rules and regulations of the Railroad Commission of Texas heretofore made shall not be impaired by this act but shall continue in effect; defining the powers and duties of said commission; prohibiting the use of any part of the funds received from the tax levied by Article 6032, Revised Civil Statutes of 1925, by the Railroad Commission or for the payment of any cost or expense hereafter incurred by the Railroad Commission, and transferring all unexpended appropriations from said funds from the Railroad Commission of Texas to the Conservation Commission of Texas, levying a tax of one-fourth of 1 per cent per

barrel on all crude petroleum produced in this State for the administration of this law and other laws relating to conservation of oil and gas and for the payment of the salaries of the Conservation Commission; providing for the method of collecting said tax; repealing Article 6032, Revised Statutes of Texas, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Farmer:

H. B. No. 27, A bill to be entitled "An Act to provide for a moratorium in the State of Texas on the collection of all debts on all real property for a period of two years; and providing no suit shall be instituted or prosecuted to collect any debt on real property; and providing all suits now pending for the collection of debts on real property shall remain statuo quo, and providing that no execution or writ of possession on real property shall be of any effect when issued; and providing no writ of possession shall be issued for a period of two years under deed of trust foreclosure, and declaring an emergency."

Referred to Committee of the Whole House.

By Mr. Sparkman:

H. B. No. 28, A bill to be entitled "An Act to amend Article 6401 of the Revised Civil Statutes of the State of Texas, of 1925, to prevent the maturing, going to seed and spreading of Johnson grass, Bermuda grass, Russian thistles, or cockleburs, upon or from the right of ways of railroad companies, telephone companies, electric power companies, crude oil pipe line companies, natural and artificial gas companies, and all other corporations, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Tarwater, Mr. Farrar, Mr. Ford, Mr. Fuchs, Mr. Donnell, Mr. Elliott, Mr. Weinert, Mr. Giles, Mr. Carpenter, Mr. Sullivant, Mr. Alsup, Mr. Stephens, Mr. Wyatt, Mr. Dale, Mr. West of Coryell, Mr. Lee, Mr. Rogers, Mr. Sparkman, Mr. Ray, Mr. Johnson of Dallam, Mrs. Rountree, and Mrs. Strong:

H. B. No. 29, A bill to be entitled "An Act providing for conserving the soils of this State and their fertility, and imposing an occupation tax upon

wholesalers as defined herein, of oleomargarine and other substitutes for butter, as defined herein; providing the amount of tax and the time, method and manner of paying the same; providing that the same shall be placed one-fourth to the credit of the available public school fund and the remainder to the credit of the general revenue fund; prescribing the duties of wholesalers and the Comptroller of Public Accounts in reference to payment and collection; providing for the placing of stamps evidencing payment of said tax by affixing the same to the containers of butter substitutes; providing for a report and for penalties for failure to pay the tax; providing offenses, fines, punishment and other penalty; prescribing the effective date hereof, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

ADJOURNMENT.

On motion of Mr. Wiggs, the House at 5:10 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The Committee on State Affairs filed a favorable report on House concurrent resolution No. 1.

NINTH DAY.

(Friday, July 31, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Bounds.
Adams of Jasper.	Boyd.
Adamson.	Bradley.
Adkins.	Brice.
Akin.	Bryant.
Albritton.	Burns of Walker.
Alsup.	Burns
Baker.	of McCulloch.
Barron.	Carpenter.
Beck.	Caven.
Bedford.	Claunch.
Bond.	Coltrin.